

EXHIBIT C

CAUSE NO. _____

LEE & CHARLETHA HENRY, § **IN THE DISTRICT COURT OF**
PLAINTIFFS, §
§
V. § **OF HARRIS COUNTY, TEXAS**
§
ALLSTATE VEHICLE AND §
PROPERTY INSURANCE COMPANY, §
DEFENDANT. § **JUDICIAL DISTRICT**

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs LEE & CHARLETHA HENRY ("Plaintiffs") file this Plaintiffs' Original Petition against Defendant ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY ("Defendant") and for cause of action would show the following:

I. PARTIES

1. Plaintiffs, LEE & CHARLETHA HENRY, are individuals residing in Harris County, Texas.
2. Defendant, ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, is an insurance company doing business in the State of Texas and may be served with process by serving their registered agent C T Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201, or wherever they may be found.
3. In the event any parties are misnamed or are not included herein, Plaintiffs contend that such was a "misidentification," "mismomer," and/or that such parties are/were "alter egos" of the parties named herein.

II. JURISDICTION

4. The Court has jurisdiction over the lawsuit because the amount in controversy exceeds this court's minimum jurisdictional requirements.

5. Plaintiffs seek monetary relief from Defendant under \$100,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees. TEX. R. CIV. P. R. 47(c)(1).

III. VENUE

6. Venue is permissive in Harris County under Texas Civil Practice and Remedies Code § 15.002(1) because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County, Texas.

IV. DISCOVERY CONTROL PLAN

7. Plaintiffs intend to conduct discovery under Discovery Plan III.

V. REQUEST FOR DISCLOSURE

8. Under Texas Rule of Civil Procedure 194, Plaintiffs request that Defendant disclose, within 50 days of service of this request, the information or material described in Rule 194.2(a)-(l).

VI. FACTUAL BACKGROUND

9. During the spring of 2019, Plaintiffs' house at 5714 Ancient Oaks Dr., Humble, Harris County, Texas 77346 (the "Property") suffered an interior water leak at a second floor bathroom, causing damage throughout the Property's kitchen area (the "Incident").

10. At the time of the Incident, Plaintiffs insured the Property through Defendant.

11. Plaintiffs promptly notified Defendant of the Incident.

12. Since the time of the Incident, Plaintiffs have worked tirelessly to obtain full and proper coverage from Defendant.

13. Instead, Defendant has chosen to delay remediation at the Property and has refused to compensate Plaintiffs for their damages.

14. Defendant has given Plaintiffs the runaround for months, refusing to provide coverage and

assistance for Plaintiffs.

15. Despite Plaintiffs' payment for their insurance policy, Defendant refuses to honor that policy.

16. Currently, it will cost \$57,493.93 to repair the Property's kitchen.

17. These repairs require removal of cabinets, sheetrock, insulation, and other labor-intensive work.

18. All of the costs to repair the Property are Defendant's responsibility and obligation.

19. Plaintiffs have already had to live in the water-damaged Property for half a year, unable to fully use the kitchen

VII. COUNT I- BREACH OF CONTRACT

20. Plaintiffs incorporate all of the previous paragraphs by reference.

21. Plaintiffs and Defendant entered into an insurance policy whereby Defendant agreed to insure Plaintiffs' Property in exchange for Plaintiffs' payment of the insurance policy.

22. Defendant breached the contract by failing to cover the costs associated with fully remediating the Property.

23. Defendant's breach caused injury to Plaintiffs in the amount of at least \$57,493.93.

24. **ATTORNEY'S FEES.** Plaintiffs are entitled to recover reasonable and necessary attorney's fees under Texas Civil Practice and Remedies Code § 38.001(8). Plaintiffs have abided by the procedure found in Texas Civil Practice and Remedies Code § 38.002. Plaintiffs are also entitled to recover reasonable and necessary attorney's fees for any appeals.

VIII. COUNT II- TEXAS DECEPTIVE TRADE PRACTICES ACT VIOLATIONS

25. Plaintiffs incorporate all of the previous paragraphs by reference.

26. Plaintiffs are a consumer, as they purchased insurance from Defendant.

27. Defendant is a defendant who may be sued under the DTPA.

28. Defendant committed a wrongful act under Texas Business & Commerce Code § 17.50(a).

Defendant engaged in a false, misleading, or deceptive act or practice included in the DTPA “laundry list” under Texas Business & Commerce Code § 17.46(b) that Plaintiffs detrimentally relied on. To wit, Defendant engaged in the following conduct:

- a. caused confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services; TEX. BUS. & COMM. CODE § 17.46(B)(2);
- b. caused confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another; TEX. BUS. & COMM. CODE § 17.46(B)(3);
- c. represented that goods or services had sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they did not have; TEX. BUS. & COMM. CODE § 17.46(B)(5);
- d. represented that goods or services were of a particular standard, quality, or grade, or that goods are of a particular style or model, when they were of another; TEX. BUS. & COMM. CODE § 17.46(B)(7);
- e. advertised goods or services with intent not to sell them as advertised; TEX. BUS. & COMM. CODE § 17.46(B)(9);
- f. represented that an agreement conferred or involved rights, remedies, or obligations which it did not have or involve, or which were prohibited by law; TEX. BUS. & COMM. CODE § 17.46(B)(12);
- g. knowingly made false or misleading statements of fact concerning the need for parts, replacement or repair service; TEX. BUS. & COMM. CODE § 17.46(B)(13);

- h. represented that a guaranty or warranty confers or involves rights or remedies which it does not have or involve; TEX. BUS. & COMM. CODE § 17.46(B)(20);
- i. represented that work or services had been performed on, or parts replaced in, goods when the work or services were not performed or the parts replaced; TEX. BUS. & COMM. CODE § 17.46(B) (22); and
- j. failed to disclose information concerning goods or services which was known at the time of the transaction when such failure to disclose such information was intended to induce Plaintiffs into a transaction into which Plaintiffs would not have entered had the information been disclosed; TEX. BUS. & COMM. CODE § 17.46(B)(24).

29. Defendant also committed unconscionable actions or courses of action under Texas Business and Commerce Code § 17.50(a)(3).

30. Defendant's violations of the DTPA were a producing cause of Plaintiffs' damages in an amount no less than \$57,493.93.

31. **DEFENDANT ACTED KNOWINGLY.** Defendant knowingly violated the DTPA because at the time of the act or practice complained of, Defendant acted with actual awareness of the falsity, deception, or unfairness of the act or practice under Texas Business & Commerce Code § 17.45(9).

32. **DEFENDANT ACTED INTENTIONALLY.** Defendant intentionally violated the DTPA because Defendant had actual awareness of the falsity, deception, or unfairness of the act or practice, or the condition, defect, or failure constituting a breach of warranty giving rise to the Plaintiffs' claim, coupled with the specific intent that the Plaintiffs act in detrimental reliance on the falsity or deception or in detrimental ignorance of the unfairness under Texas Business & Commerce Code § 17.45(13).

33. **ATTORNEY'S FEES.** Plaintiffs are entitled to recover reasonable and necessary attorney's fees under Texas Business & Commerce Code § 17.50(d). Plaintiffs are entitled to recover reasonable and necessary attorney's fees for any appeals.

IX. COUNT III- COMMON LAW FRAUD

34. Plaintiffs incorporate all of the previous paragraphs by reference.

35. Defendant made representations to Plaintiffs regarding the insurance sold and provided by Defendant for Plaintiffs' Property.

36. The representations made by Defendant were material and integral to Plaintiffs in purchasing insurance from Defendant.

37. The representations made by Defendant were false because the insurance did not provide relief that Defendant represented it would have.

38. When Defendant made the representations, Defendant either knew those representations were false or made the representations recklessly, as a positive assertion, and without knowledge.

39. Defendant intended for Plaintiffs to rely upon their representations.

40. Plaintiffs did indeed rely on Defendant's representations.

41. Defendant's representations caused injury to Plaintiffs in an amount no less than \$57,493.93.

X. COUNT IV- VIOLATIONS OF TEXAS INSURANCE CODE

42. Plaintiffs incorporate all of the previous paragraphs by reference.

43. Defendant violated Texas Insurance Code §§ 541.051-.061, 541.151-.152, which prohibit unfair insurance practices.

44. Defendant violated the requirements of Tex. Ins. Code Ann. §§ 542.051-.061 by failing to accept or reject Plaintiffs' claim or give Plaintiffs notice within the required time limits.

45. Specifically, Defendant misrepresented the terms and benefits of the insurance policy sold to Plaintiffs; did not, in good faith, effectuate a prompt, fair and equitable settlement; failed to provide anything in writing regarding the basis for their refusal to pay for damages covered by Plaintiffs' insurance policy; failed to properly investigate the claims of the Plaintiffs; and acted in bad faith in denying Plaintiffs' claims.

46. Based on the facts stated herein and any other information presented to this court, Defendant's actions were a direct and proximate cause of the damages Plaintiffs suffered.

XI. REQUEST FOR EXEMPLARY DAMAGES

47. Plaintiffs incorporate all of the previous paragraphs by reference.

48. Pursuant to Texas Civil Practice and Remedies Code Chapter 41, Plaintiffs seek an award of exemplary damages against Defendant.

49. Plaintiffs seek an award of exemplary damages against Defendant for their fraud committed against Plaintiffs.

50. Defendant's conduct was outrageous, malicious, or otherwise morally culpable, entitling Plaintiffs to an award of exemplary damages to deter such conduct in the future.

XII. JURY DEMAND

51. Plaintiffs demand a jury trial in this case pursuant to Texas Rule of Civil Procedure 216 and tender the appropriate fee with this petition.

XIII. CONDITIONS PRECEDENT

52. All conditions precedent to Plaintiffs' claim for relief have been performed or have occurred.

XIV. PRAYER

53. For these reasons, Plaintiffs ask that the Court issue citations for Defendant to appear and answer, and that Plaintiffs be awarded a judgment against Defendant for the following:

- a. Actual damages;
- b. Prejudgment and postjudgment interest;
- c. Court costs;
- d. Attorney's fees;
- e. Exemplary damages;
- f. Additional DTPA damages and treble damages;
- g. Expert costs;
- h. Loss of use for the Property and its improvements;
- i. Stigma damages to the Property;
- j. Out of pocket damages;
- k. Sunk costs;
- l. Cost of mitigation damages;
- m. Cost of substitute performance damages;
- n. Past and future mental anguish;
- o. Partial destruction of personal property - cost of repair and loss of use during repair;
- and
- p. And all other relief to which Plaintiffs are entitled.

Respectfully submitted,

THE WELSCHER MARTINEZ LAW FIRM

/s/ Nicholas Martinez

Craig Welscher

TBN: 21167200

Nicholas T. Martinez

TBN: 24087986

1111 North Loop West, Suite 702

Houston, Texas 77008

Phone. No.: (713) 862-0800

Facsimile No.: (713) 862-4003

Email: nmartinez@twmlawfirm.com

ATTORNEY FOR PLAINTIFFS

Unofficial Copy Office of Marilyn Burgess, District Clerk

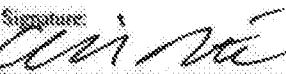
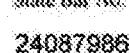
Cause Number (use clerk case only):

Lee & Charletha Henry v. Allstate Vehicle and Property Insurance

Court (for clerk use only):

By: Ougra, Chancesas

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for parties completing case information sheet:		Names of parties to case:	Persons or entity completing sheet by:
Name:	Email:	Plaintiff(s) Petitioner(s):	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other
Address:	Telephone:	Charletha Henry	Additional Parties in Child Support Case: Guardian Parent
City/State/Zip:	Fax:	Allstate Vehicle and Property Insurance Company	Non-Custodial Parent: Presumed Father:
Signature:	State Bar No:	(Check additional page as necessary to list of persons)	
 			

2. Indicate case type or identify the most important issue in the case (check only 1):

Civil		Family Law		
Contact	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (check only 1)
<input checked="" type="checkbox"/> Consumer <input type="checkbox"/> Goods Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract <input type="checkbox"/> Foreclosure <input type="checkbox"/> Home Equity – Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contracts	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Disparagement <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professionals <input type="checkbox"/> Motor Vehicle Accidents <input type="checkbox"/> Premises <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability <input type="checkbox"/> Lit. Product <input type="checkbox"/> Other Injury or Damage:	<input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trustee in Try Title <input type="checkbox"/> Other Property	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modifications – Custody <input type="checkbox"/> Modifications – Other <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocal UIFSA <input type="checkbox"/> Support Order
Employment	Other Civil	Related to Civil Cases Matters	Other Family Law	Parent/Child Relationships
<input type="checkbox"/> Discontinuation <input type="checkbox"/> Dismissal <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities Stock <input type="checkbox"/> Torts/Inference <input type="checkbox"/> Other	<input type="checkbox"/> Enforce Foreign <input type="checkbox"/> Judgment Null	<input type="checkbox"/> Adoption/Adoption with <input type="checkbox"/> Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities <input type="checkbox"/> of Minority <input type="checkbox"/> Other
Tax	Estate Administration		Probate & Mental Health	
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	<input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship – Adult <input type="checkbox"/> Guardianship – Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other	

3. Indicate procedure or remedy, if applicable (may select more than 1):

Appeal from Municipal or Justice Court	Declaratory Judgment	Procedural Remedy
Arbitration-related	Decree/Order	<input type="checkbox"/> Protective Order
Attachment	Interpleader	<input type="checkbox"/> Receiver
Bill of Review	Licence	<input type="checkbox"/> Sequestration
Certiorari	Mandamus	<input type="checkbox"/> Temporary Restraining Order/Injunction
Class Action	Post-judgment	<input type="checkbox"/> Turnover

Indicate damages sought (do not select if it is a family law case):

Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees

Less than \$100,000 and non-monetary relief

Over \$100,000 but not more than \$200,000

Over \$200,000 but not more than \$1,000,000

Over \$1,000,000

CIVIL PROCESS REQUEST

Harris County
Envelope No: 39436561
By: Ougrah, Chancesas

Filed 12/20/2019 2:34:02 PM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: _____

CURRENT COURT: _____

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's Original Petition with Request for Disclosure & Jury Demand

FILE DATE OF MOTION: 12/20/2019

Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY via its Registered Agent

ADDRESS: 1999 Bryan St., Ste. 900, Dallas, Texas 75201, or wherever they may be found

AGENT, (if applicable): C T Corporation SystemTYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation

SERVICE BY (check one):

- ATTORNEY PICK-UP CONSTABLE
 CIVIL PROCESS SERVER - Authorized Person to Pick-up: Lucious Buggs, IV. Phone: (281) 250-6041
 MAIL CERTIFIED MAIL
 PUBLICATION:
 Type of Publication: COURTHOUSE DOOR, or
 NEWSPAPER OF YOUR CHOICE:
 OTHER, explain Please place the issued Citation and Plaintiff's First Amended Petition in Civil Process Box #209
 (Copy Quest Reproduction Services) and contact Lucious Buggs, IV. for pickup and Service.

2. NAME: _____

ADDRESS: _____

AGENT, (if applicable): _____

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): _____

SERVICE BY (check one):

- ATTORNEY PICK-UP CONSTABLE
 CIVIL PROCESS SERVER - Authorized Person to Pick-up: Lucious Buggs, IV. Phone: (281) 250-6041
 MAIL CERTIFIED MAIL
 PUBLICATION:
 Type of Publication: COURTHOUSE DOOR, or
 NEWSPAPER OF YOUR CHOICE:
 OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Nick Martinez TEXAS BAR NO./ID NO. 24087986

MAILING ADDRESS: 1111 North Loop West, Suite 702 Houston, Texas 77008

PHONE NUMBER: (713) area code 862-0800 phone number FAX NUMBER: (713) area code 862-4003 fax numberEMAIL ADDRESS: service@welscherlaw.com



MARILYN BURGESS

HARRIS COUNTY DISTRICT CLERK

Civil Process Pick-Up Form

CAUSE NUMBER 2019-89494

ATY

CIV X

COURT 189

REQUESTING ATTORNEY/FIRM NOTIFICATION

***ATTORNEY: MARTINEZ NICHOLAS T**

PH: 713-862-0800

***CIVIL PROCESS SERVER: COPY QUEST REPRODUCTION** **FOR PICK UP: 209**

***PH: 281-250-6041**

***PERSON NOTIFIED SVC READY:**

*** NOTIFIED BY:**

***DATE:** _____

Type of Service Document: Citation

Tracking Number 73707980

Type of Service Document:

Tracking Number _____

Type of Service Document: _____

Tracking Number _____

Process papers prepared by: C.Gilbert

Date: 12/20/19

30 DAYS WAITING 1/20/20

***Process papers released to:**

281-250-6041

(CONTACT NUMBER)

Lucious G. Burgess

(PRINT NAME)

Lisa Thomas

(SIGNATURE)

***Process papers released by:**

Lisa Thomas

(PRINT NAME)

Lisa Thomas

(SIGNATURE)

* Date: Dec 27, 2019 Time: 11:25 AM / PM

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

Entire document must be completed (do not change this document) Revised 1/3/2019

CAUSE NO. 201989494

RECEIPT NO.

0.00

CIV

TR # 73707980

PLAINTIFF: HENRY, LEE
 vs.

DEFENDANT: ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY

In The 189th
 Judicial District Court
 of Harris County, Texas
 189TH DISTRICT COURT
 Houston, TX

CITATION

THE STATE OF TEXAS
 County of Harris

TO: ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY
 BY SERVING ITS REGISTERED AGENT C T CORPORATION SYSTEM
 OR WHEREVER THEY MAY BE FOUND
 1999 BRYAN STREET SUITE 900 DALLAS TX 75201
 Attached is a copy of PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on the 20th day of December, 2019, in the above cited cause number and court. The instrument attached describes the claim against .

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 23rd day of December, 2019, under my hand and seal of said Court.

Issued at request of:

MARTINEZ, NICHOLAS THOMAS
 1111 NORTH LOOP WEST SUITE 702
 HOUSTON, TX 77008
 Tel: (713) 862-0800
 Bar No.: 24087986



Marilyn Burgess
 MARILYN BURGESS, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 (P.O. Box 4651, Houston, Texas 77210)

Generated By: GILBERT, COURTNI NICOLE
 U5U//11405676

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock M., on the _____ day of _____, _____.

Executed at (address) _____ in _____

Saturday at _____ o'clock M., on the _____ day of _____,

_____, by delivering _____ defendant, in person, a

true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, _____.

FEE: \$ _____

_____ of _____ County, Texas

Affiant _____ By _____ Deputy _____

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the

CAUSE NO. 2019-89494

LEE HENRY

§

IN THE COURT OF

Plaintiff,

§

VS.

§

HARRIS COUNTY, TEXAS

ALLSTATE VEHICLE AND PROPERTY INSURANCE
COMPANY

§

Defendant.

§

189TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE - CERTIFIED MAIL

"The following came to hand on Dec 27, 2019, 11:25 am,

CITATION, PLAINTIFF'S ORIGINAL PETITION,

and was executed on Thu, Jan 02 2020 by mailing to ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY
THROUGH ITS REGISTERED AGENT C T CORPORATION SYSTEM at 1999 Bryan St SUITE 900, Dallas, TX 75201, by
regular mail and by Certified Mail, Return Receipt Requested, Receipt No. 7018 3090 0001 8300 5894, a true copy of this
citation.

The regular mail envelope was not returned. PS Form 3811 was returned on Jan 07, 2020 having been Signed on Jan 02,
2020 by Kim Hightower and is attached hereto.

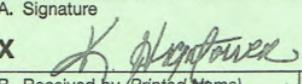
I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of
Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this
suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted
of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they
are true and correct."

My name is Lucious G. Bugs IV, my date of birth is 10/24/1970, and my address is 7535 Cypress Edge Dr, Cypress, TX
77433, and United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of TX, on January 09, 2020.



Lucious G. Bugs IV
Certification Number: SCH 4127
Certification Expiration: 08/31/2020

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>Allstate Vehicle and Property Ins. Co c/o C.T. Corporation System 1999 Bryan St. Suite 900 Dallas, TX 75201</i>		B. Received by (Printed Name) <i>Kim Hightower</i>	C. Date of Delivery <i>JAN 22 2012</i>
2. Article Number (Transfer from service label) <i>0018 3090 0001 8300 5894</i>		D. Is delivery address different from item 1? If YES, enter delivery address below.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

Unofficial Copy Office of Marshall Burgess Digital Client

CAUSE NO. 2019-89494

LEE & CHARLETHA HENRY,
Plaintiffs,

V.

ALLSTATE VEHICLE AND
PROPERTY INSURANCE COMPANY,
Defendant.

IN THE DISTRICT COURT

189TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, Defendant in the above styled and numbered cause of action, and in response to the complaints filed against them, would respectfully show unto this Honorable Court and Jury as follows:

I. GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendant generally denies each and every, all and singular, the allegations contained within Plaintiff's Original Petition, and demand strict proof thereon by a preponderance of the credible evidence in accordance with the Constitution and laws of the State of Texas.

II. SPECIFIC DENIALS

In addition to any Notice required by the applicable insurance policy, Defendant denies that Plaintiff provided the pre-suit Notice required by Chapter 542A.003 of the Texas Insurance Code and Texas Business & Commerce Code § 17.505 (Texas Deceptive Trade Practices Act). Plaintiff's failure to provide the required notice under §542A.003 prior to the filing of this action constitutes a breach of that statute. Because Plaintiff's failed to give the notice required by §542A.003(b)(2) before filing this action, Plaintiffs are not entitled to recover attorneys' fees

incurred after the date this defense was pled.

Plaintiffs' claims are barred, in whole or in part, by policy exclusions and/or limitations which are listed in the policy made the basis of this suit. All or part of Plaintiff's claims are excluded by the applicable insurance policy.

Plaintiffs failed to allege conduct warranting imposition of exemplary or punitive damages under applicable state law. Defendant asserts the limitations and restrictions contained in Chapter 41 of the Texas Civil Practice and Remedies Code.

Defendant hereby gives notice that it intends to rely upon such other defenses as may become available or apparent during the course of discovery and thus reserves its right to amend this answer.

III. REQUEST FOR DISCLOSURE

Pursuant to Texas Rules of Civil Procedure, Defendant requests that Plaintiff disclose within thirty days of service of this request, the information and material described in Rule 194.2(a) through (l). If this case was filed as an Expedited Action under TRCP 47(c)(1) and/or TRCP 190.2, Defendant further requests disclosure of any and all documents, electronic information, and tangible items that you have in your possession, custody or control and which may be used to support your claims or defenses.

IV. JURY DEMAND

Defendant formally requests a jury trial pursuant to Rule 216 of the Texas Rules of Civil Procedure and tenders the jury fee.

V. DESIGNATED E-SERVICE EMAIL ADDRESS

The following is the undersigned attorney's designation of electronic service email address for all electronically served documents and notices, filed and unfiled, pursuant to Tex.R.Civ.P. 21(f)(2) & 21(a). (HoustonLegal@allstate.com). This is the undersigned's ONLY electronic

service email address, and service through any other email address will be considered invalid.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants, ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, prays that the Plaintiff recover nothing of and from the Defendants by reason of this suit, that Defendants be discharged without delay, with costs of court, and for such other and further relief, both general and special, at law and in equity, to which Defendants may show itself justly entitled, and for which Defendants will in duty bound, forever pray.

Respectfully submitted,

SUSAN L FLORENCE & ASSOCIATES


MICHAEL MAUS
TBN: 24008803
811 Louisiana St Ste 2400
Houston, TX 77002-1401
HoustonLegal@allstate.com
(713) 336-2842
(877) 684-4165 (fax)

ATTORNEY FOR DEFENDANT
ALLSTATE VEHICLE AND PROPERTY
INSURANCE COMPANY

CERTIFICATE OF SERVICE

Pursuant to Rules 21. and 21a. of the Texas Rules of Civil Procedure, I hereby certify that the original of Defendants' Original Answer has been filed with the clerk of the court in writing, and a true and correct copy of Defendants' Original Answer has been delivered to all interested parties on the 13th day of January, 2020, to:

Nicholas T. Martinez
THE WELSCHER MARTINEZ LAW FIRM
1111 North Loop West, Suite 702
Houston, Texas 77008
Email: nmartinez@twmlawfirm.com

ATTORNEY FOR PLAINTIFFS

VIA E-SERVE


MICHAEL MAUS

CAUSE NO. 2019-89494

LEE & CHARLETHA HENRY, § IN THE DISTRICT COURT OF
PLAINTIFFS, §
§
V. § OF HARRIS COUNTY, TEXAS
§
ALLSTATE VEHICLE AND §
PROPERTY INSURANCE COMPANY, §
DEFENDANT. § 189TH JUDICIAL DISTRICT

CERTIFICATE OF WRITTEN DISCOVERY

TO: Defendant, ALLSTATE VEHICLE AND PROPERTY INSURANCE COMPANY, by and through their attorney of record, Michael Maus, SUSAN L. FLORENCE & ASSOCIATES, 811 Louisiana St., Ste. 2400, Houston, Texas 77002.

Pursuant to Texas Rules of Civil Procedure, Plaintiffs, LEE & CHARLETHA HENRY, certify they have served the following discovery requests on Defendant:

1. *Plaintiffs' Requests for Disclosure to Defendant;*
2. *Plaintiffs' Requests for Admission to Defendant;*
3. *Plaintiff Lee Henry's First Set of Written Interrogatories to Defendant; and*
4. *Plaintiffs' Requests for Production to Defendant.*

This Certificate of Written Discovery along with a copy of the responses was served upon all known counsel or parties listed below.

Respectfully submitted,

THE WELSCHER MARTINEZ LAW FIRM

/s/ Nicholas Martinez

Craig Welscher

TBN: 21167200

Nicholas T. Martinez

TBN: 24087986

1111 North Loop West, Suite 702

Houston, Texas 77008

Telephone: (713) 862-0800

Facsimile: (713) 862-4003

Email: nmartinez@twmlawfirm.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel of record in the manner required by the Texas Rules of Civil Procedure, on this the 14th day of January, 2020.

Via Electronic Service

Michael Maus

Susan L. Florence & Associates

811 Louisiana St., Ste. 2400

Houston, Texas 77002

Attorney for Defendant

/s/ Nicholas Martinez

Nicholas T. Martinez